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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,250	07/08/2003	Kip Kilburn		6044

7590
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09/11/2008

EXAMINER

SPISICH, GEORGE D

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

09/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,250

Applicant(s)

KILBURN ET AL.

Examiner

GEORGE D. SPISICH

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At the beginning and end of claims 5,7 and 9, the term "improved" suspension is unclear and improper.

Claims 6,8 and 10 are unclear. The phrase "can be varied" is inherently unclear.

Claim 9, line 2 is unclear. It is not clear what is meant by a "plurality of two piece tapered inserts" and if Applicant is intending to claim one tapered insert for each insert or a plurality of tapered inserts for each insert.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moskovitz (USPN 2,936,188) in view of Matczak et al. (USPN 5,069,571).

Moskovitz shows a vehicle suspension having an upper and lower suspension arm having a particular connection that broadly includes an annular socket for housing a freely movable "ball shaped" member. The connection (shown) of the ball socket is via a fastening means (nut) to secure the upper tapered insert (25') and the lower tapered insert (the lower tapered portion of the bolt 24). Tapered portions of the steering spindle (2) engage the tapered portion of the lower insert. The arrangement of Moskovitz is shown as an integral bolt/insert connection where the bolt includes a tapered end. The arrangement is attached at a first joint to the upper spindle of the steering knuckle and at a second joint to the lower spindle of the steering knuckle. These portions are readily modified to be a separate bolt and tapered insert section and as shown by Matczak et al. and making parts separate that are shown as integral is within the knowledge of one ordinary skill in the art.

Matczak et al. shows a disconnectable end connection end having an included ball and socket connection. This arrangement is compatible with the connection shown in Moskovitz.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the connection detail as taught by Moskvitz at the suspension arm/steering spindle connection as a ball joint connection at the end of suspension arms (with a disconnectable end portion) is taught by Matczak et al. Various connections in a suspension and steering linkage are readily and easily substituted based on the desire of one of ordinary skill in the art.

It is obvious to one of ordinary skill in the art to vary the "slope" of an element to properly fit together.

Response to Arguments

Applicant's arguments filed November 14, 2007 have been fully considered but they are not persuasive.

Applicant's argument that the references do not teach the ball and socket/tapered insert structure detail but rather teach a sealing arrangement is not persuasive. The applied references teach the claimed structure and any additional benefit does not prevent the references from reading on the claimed structure.

Any degree of improvement is not a valid argument since the claimed structure is met by the applied references.

Given the replacement Drawings and the understanding that the bolt passes entirely through the insert adds clarity to the claimed invention, however, Examiner's position is that Moskovitz and Matczak et al. teach the use of a bolt and insert and Examiner maintains that separating parts that have been shown to be integral (the bolt and the insert) would have been obvious to one of ordinary skill in the art and have the bolt extend entirely through the insert. Examiner further points that a bolt may pass through an insert and not extend entirely through, therefore "partially" extending through the insert would be the broadest interpretation of the claimed subject matter.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE D. SPISICH whose telephone number is (571)272-6676. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached at (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George D. Spisich/
Examiner, Art Unit 3616
September 8, 2008

/Paul N. Dickson/
Acting SPE of Art Unit 3616